



CALIFORNIA STATE PERSONNEL BOARD

801 Capitol Mall • Sacramento, CA 95814

DATE: November 1, 2001

TO: ALL STATE AGENCIES AND EMPLOYEE ORGANIZATIONS

SUBJECT: 2001 Merit-Related Legislation

Attached is a summary of final actions on major legislation followed by the State Personnel Board (SPB) in 2001 for its impact on SPB programs and the administration of the State Civil Service Merit System.

Revisions to the Law and California Code of Regulations governing the California State Civil Service, appropriate manuals, and a policy implementation memorandum will be issued to reflect enacted statutes as soon as possible.

Questions regarding the attached report should be directed to Ms. Judy Balmain, Director of Legislation, State Personnel Board, P.O. Box 944201, Sacramento, CA 94244-2010, (916) 653-0453, CALNET 453-0453, or TDD (916) 653-1498.

Walter Vaughn
Executive Officer

Attachments

AB 647 (Horton)
Chapter 416, Statutes of 2001
Effective Date: January 1, 2002

SUMMARY:

This bill will allow the Reporting by Community College Employees of Improper Governmental Activities Act (RCCEIGAA) to permit community college employees and applicants for community college employment to file whistleblower retaliation complaints with the State Personnel Board (SPB), as opposed to local law enforcement agencies. The bill permits the SPB to award remedies to complainants who successfully establish that they have been retaliated against for having engaged in whistleblower activities. These remedies include, but are not limited to, reinstatement, backpay, restoration of lost service credit, and if appropriate, the expungement of any adverse employment records of the employee or applicant for employment. As such, this bill expands the SPB's jurisdiction to include making employment-related decisions concerning community colleges.

SECTIONS AFFECTED:

An act to amend Section 87164 of the Education Code, relating to whistleblower protection.

AB 800 (Wesson)
Chapter 295, Statutes of 2001
Effective Date: January 1, 2002

SUMMARY:

This bill will make it an unlawful employment practice for an employer to adopt or enforce a policy that would prohibit or limit the use of any language in a workplace, unless both of the following conditions exist:

- (1) The language restriction is justified by a business necessity.
- (2) The employer has notified its employees of the circumstances and the time when the language restriction is required to be observed and the consequences for violating the language restriction.

"Business necessity" is defined to mean an overriding legitimate business purpose such that the language restriction is necessary to the safe and efficient operation of the business, that the language restriction effectively fulfills the business purpose it is supposed to serve, and there is no alternative practice to the language restriction that would accomplish the business purpose equally well with a lesser discriminatory impact.

SECTIONS AFFECTED:

An act to add Section 12951 to the Government Code, relating to employment discrimination.

SB 413 (Speier)
Chapter 883, Statutes of 2001
Effective Date: January 1, 2002

SUMMARY:

This bill makes several changes to the California Whistleblower Protection Act that provides protection to state employees who report improper governmental activities. The bill requires state agencies to either take disciplinary action against individuals who have engaged in improper governmental activities, or provide a written explanation to the State Auditor and the State Personnel Board (SPB) explaining why it declined to do so. The bill repeals the requirement that state employees who contend that they have been retaliated against for reporting improper governmental activities first file a complaint with the State Auditor or the office of the Inspector General prior to filing a complaint with the SPB. The bill authorizes the SPB to award compensatory damages to individuals found to have been retaliated against for engaging in whistleblower activities. The bill will harmonize state civil service anti-discrimination laws with state whistleblower laws.

SECTIONS AFFECTED:

An act to amend Sections 8547.4, 8547.8, 19682, 19683, and 19702 of, to add Section 19683.1 to, and to add Article 3.5 (commencing with Section 8548) to Chapter 6.5 of Division 1 of Title 2 of, the Government Code, relating to improper governmental activities.

SB 943 (Committee on Judiciary)
Chapter 755, Statutes of 2001
Effective Date: October 12, 2001 (URGENCY MEASURE)

SUMMARY:

This bill makes several changes to the Welfare and Institutions Code and to the Family Code related to the collection of child and spousal support within California. This bill impacts the State Personnel Board's operations concerning the designation of what employees from local child support agencies can perform the functions of the local child support office. This bill changes the current requirement that those functions must be performed "exclusively through the use of civil service employees of the public agency," to the broader "exclusively through the use of employees employed in conformity with applicable merit system standards under the Government Code."

SECTIONS AFFECTED:

An act to amend Section 706.030 of the Code of Civil Procedure, to amend Sections 3751.5, 3767, 4508, 4550, 4572, 5214, 5260, 7571, 17212, 17304, 17401, 17404, 17520, 17522, 17525, 17526, 17530, 17708, 17714, 17800, and 17804 of the Family Code, and to amend Sections 903.45, 903.5, 903.7, 10081, 10084, and 11457 of the Welfare and

Institutions Code, relating to child support, and declaring the urgency thereof, to take effect immediately.

SB 1191 (Speier)**Chapter 745, Statutes of 2001****Effective Date: October 12, 2001 (URGENCY MEASURE)****SUMMARY:**

This bill modifies or deletes approximately 400 statutory provisions requiring state and local agencies to prepare and submit reports to the Governor and the Legislature. As specifically related to the State Personnel Board (SPB), this bill changes the requirement that the SPB report to the Governor, the Legislature, and the Department of Finance on the accomplishments of each state agency and department in meeting its stated affirmative action goals for the past fiscal year. The SPB is now required to report on a census of the state workforce and any underutilization problems in a state agency or department that may indicate failure to provide equal employment opportunity to minorities, women, and persons with disabilities during the past fiscal year.

SECTIONS AFFECTED:

An act to amend Sections 4425, 6086.15, 6094.5, 7011.8, and 7017 of, and to repeal Sections 1616.1 and 12029 of, the Business and Professions Code, to amend Section 116.950 of the Code of Civil Procedure, to amend Sections 30.5, 8215, 8358, 8451, 32237, 32239.5, 35179.2, 44252.9, 44259.5, 44279.2, 44784, 49413, 52052, 52656, 54696, 56885, 58523, 60810, 66015, 66755, 67301, 67359.20, 71028, 87104, 89753, 89761, and 99306 of, and to repeal Sections 15750, 17001.5, 44329, 49590.5, 58922, 66293, 69733, 72681, 78217, and 99105 of, the Education Code, to amend Section 7571 of the Family Code, to repeal Sections 256, 8052, and 32955 of the Financial Code, to amend Sections 1000.5, 1796, 2079, 2645, 3409, 3951, 4904, 6450, and 6599 of, and to repeal Sections 2099, 6459, and 16533 of, the Fish and Game Code, to amend Sections 13135 and 76906 of, and to repeal Sections 4101.5, 13127.93, and 14104 of, the Food and Agricultural Code, to amend Sections 3114, 7585, 8654.1, 8670.55, 8879.3, 10242.5, 10601, 11007, 14070.2, 14660.1, 15277, 15333.3, 15333.4, 15378, 15813.6, 17562, 19793, 19993.05, 21662, 27279.4, 30401, 51207, 54238.7, 68511.2, 68604, 77009, 77604, 77605, and 77654 of, and to repeal Sections 8855.5, 8855.7, 8855.8, 11815, 11818, 12095.60, 13332.06, 13336.5, 14035.6, 15301.5, 16582, 16649.91, 30606, 65302.6, 67523, 70219, 75060.3, 75560.3, 92204, and 96103 of, the Government Code, to amend Sections 1200 and 3927 of, and to repeal Sections 65.8 and 658.6 of, the Harbors and Navigation Code, to amend Sections 1342.1, 1422, 11759.4, 18400.1, 25200.11, 25200.14.1, 25200.17, 25299.97, 33760, 34312.3, 39153, 44003, 46077, 50408, 50834, 57007, 104145, 104370, 108875, 119308, 120475, 120480, 120805, and 123775 of, and to repeal Sections 13143.10, 25171, 25171.5, 25245.6, 25269.9, 40453, 50806, 52045, 52570, 100146, and 100340 of, the Health and Safety Code, to amend Sections 10089.40 and 12693.93 of, and to repeal Section 10890 of, the Insurance Code, to amend Section 3214 of the Labor Code, to amend Section 1335 of the Military and Veterans Code, to amend Sections 1001.65, 7433,

13602, and 13731 of, and to repeal Sections 1170.6, 9008, 13510.6, and 13892 of, the Penal Code, to repeal Sections 10350 and 12104 of the Public Contract Code, to amend Sections 5094.2, 5096.244, 5631, 6211, 6230, 6231, 6477, 6916, 14314, 14537, 25403.5, 31108, 31163, 42005, 42871, and 71040 of, and to repeal Sections 674, 5017, 5780.17, 9756, 19524, 22052, and 25310.5 of, the Public Resources Code, to amend Sections 383, 398.5, 495.7, 739.3, 28767.3, 130292, and 132410 of the Public Utilities Code, to amend Section 7273 of the Revenue and Taxation Code, to amend Sections 100, 30796.9, 30950.3, and 30961 of, and to repeal Sections 1965 and 30895 of, the Streets and Highways Code, to amend Sections 5007, 9616, 9616.1, 10532, 15037, 15076.5, and 17002 of, and to repeal Sections 1088.7, 1274.05, 5202, 9614, 9616.5, and 10522 of, the Unemployment Insurance Code, to amend Sections 1810.7, 5023, 14602.1, and 35581 of, and to repeal Section 2936 of, the Vehicle Code, to amend Sections 8610, 11912, 12830, 12875, 12879.5, 12890.4, and 12939 of, and to repeal Sections 232, 10010, 10756, 11156, 12308, 12928.5, 12929.47, 13467, 14014, and 14919 of the Water Code, to amend Sections 4640.6, 4669.75, 5673, 10609.5, 10740, 10790, 11329, 11450.3, 11461.1, 11487.5, 14017.1, 14085.5, 14103.2, 14104.3, 14132, 14132.90, 14133.5, 14138.5, 14145.1, 14148, 14148.8, 14501, 16500.5, 18206, and 18240 of, and to repeal Sections 366.28, 5586, 10603.3, 14618, 15452, and 18214 of, the Welfare and Institutions Code, to amend Section 1 of Chapter 74 of the Statutes of 1978, to repeal Section 3 of Chapter 1523 of the Statutes of 1985, to amend Section 2 of Chapter 1495 of the Statutes of 1988, to amend Section 1 of Chapter 1350 of the Statutes of 1989, to repeal Section 1 of Chapter 674 of the Statutes of 1990, to amend Section 1 of Chapter 1621 of the Statutes of 1990, to repeal Section 2 of Chapter 1012 of the Statutes of 1993, to repeal Resolution Chapter 100 of the Statutes of 1995, and to amend Section 2 of Chapter 881 of the Statutes of 1997, relating to reports submitted to the Legislature, the Governor, and state entities, and declaring the urgency thereof, to take effect immediately.